APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

File No. 72-2396

CLEAR GRAVEL ENTERPRISES, INC., Plaintiff-Appellant,

vs.

NOLAN KEIL, STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, STATE OF NEVADA, and ROLLA CHANDLER, CHIEF DIVISION OF TECHNICAL SERVICES, BUREAU OF LAND MANAGEMENT, RENO, NEVADA, being agencies of the UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES OF AMERICA. Defendants-Appellees.

Before: KOELSCH and KILKENNY, Circuit Judges, and McGOVERN,* District Judge.

ORDER DENYING PETITION FOR REHEARING AND REJECTING SUGGESTION FOR REHEARING IN BANC

The panel, as constituted in the above

*The Honorable Walter T. McGovern, United States District Judge for the Western District of Washington, sitting by designation.

case, voted to deny the petition for a panel rehearing. Judges Koelsch and Kilkenny voted against a rehearing in banc, and Judge McGovern recommended that a rehearing in banc be rejected.

The full court has been advised of the suggestion for an in banc hearing, and no judge of the court has requested a vote on the suggestion for rehearing in banc. F.R. App. P. 35(b).

The petition for rehearing is denied, and the suggestion for a rehearing in banc is rejected.